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Attorneys for Defendant
COUNTY OF ALAMEDA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LISAMARIA MARTINEZ,

Plaintiff,

v.

COUNTY OF ALAMEDA, MELISSA WILK, in
her individual capacity, EVA HE, in her individual
capacity, MARIA LAURA BRIONES, in her
individual capacity,

Defendants.

Case No. 20-cv-06570-TSH

**SUPPLEMENTAL DECLARATION OF
NICHOLAS D. FINE IN SUPPORT OF
DEFENDANT COUNTY OF ALAMEDA'S
OPPOSITION TO PLAINTIFF'S SUR
REPLY IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT ON
DECLARATORY RELIEF**

DATE: February 9, 2023
TIME: 10:00 a.m.
DEPT: Courtroom G (15th Floor)
JUDGE: Hon. Thomas S. Hixson

I, Nicholas D. Fine, declare as follows:

1. I am an attorney at law duly licensed to practice before all the courts in the State of California and the United States District Court – Northern District of California. I am an attorney with Orbach Huff + Henderson LLP and one of the attorneys of record for Defendant County of Alameda (“County”). If called and sworn as a witness to testify, I am competent to testify and would testify from my own personal knowledge as to the facts set forth in this Declaration.

2. This Supplemental Declaration is submitted for the purposes of presenting evidence in support of the County’s Opposition to Plaintiff Lisamaria Martinez’s (“Plaintiff”) Sur Reply in support of Motion for Summary Judgment on Declaratory Relief.

3. Attached hereto as **Exhibit 1** is a true and correct copy of an email exchange between myself and Plaintiff’s counsel which occurred on January 27, 2022, and January 28, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19th day of January 2023, at Pleasanton, California.



Nicholas D. Fine

EXHIBIT 1

From: Nicholas D. Fine
Sent: Friday, January 28, 2022 9:23 AM
To: Al Elia; Kevin Gilbert
Cc: Elena LaBella; Timothy Elder; TRE Support Team
Subject: RE: MArtinez/Alameda – discovery re accessible kiosk development

Al,

With respect to No. 1, yes, the County will likely introduce evidence of the kiosks in the form of testimony. As for No. 2, there are no documents to produce. And finally, yes, you may ask Mr. Yankee questions about the program as he does have knowledge of it. If there is additional information about the program that you do not obtain from Mr. Yankee that you believe you need, and if there is another individual who has that information, we will produce that individual for deposition as well.

Thank you,

Nick D. Fine



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From: Al Elia <aelia@trelegal.com>
Sent: Thursday, January 27, 2022 1:06 PM
To: Nicholas D. Fine <nfine@ohhlegal.com>; Kevin Gilbert <kgilbert@ohhlegal.com>
Cc: Elena LaBella <elabella@ohhlegal.com>; Timothy Elder <telder@trelegal.com>; TRE Support Team <team@trelegal.com>
Subject: MArtinez/Alameda – discovery re accessible kiosk development

Dear Kevin and Nick:

After our conversation Tuesday, I contemplated your discussion of computer kiosks for customer use in the CRO, and your assertion about their accessibility. I had a few thoughts that may require a brief call, or may simply require some discovery:

1. Does the county intend to introduce evidence of these kiosks (either their planning or their existence and features, depending on timing)? If not, and if the county will so stipulate, then please let me know and skip the remainder of this list. Otherwise...
2. Are there any documents or communications regarding planning for, contracting for, development of, maintenance of, or anything else related to the accessibility features for the kiosks? I think these would be responsive to Plaintiff's interrogatory no. 16 and Request for production no. 1 to Alameda County, in which case I would appreciate them ASAP.
3. Would Mr. Yankee be the designee should we wish to depose Alameda County on the kiosk accessibility planning/contracting/development/maintenance? If so, we would appreciate the addition of a topic for his Tuesday 2/1 30(b)(6) deposition so as to avoid having to depose him twice. If he would be the designee and can additionally be deposed on the topic of "9. the plan to deploy customer-facing self-service kiosks in the CRO, and any plans, contracts, or other steps taken to ensure and maintain the accessibility of those kiosks for use by blind persons," Please let me know and I will arrange an updated 30(b)(6) notice and topic list.

Again, I'm available should you wish to discuss any of this by phone.

Thank you both.

Yours,

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Albert Elia, Esq.

TRE Legal Practice

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